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10/734,192	12/15/2003	Kenneth A. Williams	06975-221002	2149
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EXAMINER DUFFY, DAVID W				
ART UNIT		PAPER NUMBER		
3714				
NOTIFICATION DATE		DELIVERY MODE		
10/22/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

PATDOCTC@fr.com

# Office Action Summary

**Application No.**

10/734,192

**Applicant(s)**

WILLIAMS ET AL.

**Examiner**

DAVID W. DUFFY

**Art Unit**

3714

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 06 October 2008.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 12-39 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 12-39 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)  
3) ☐ Information Disclosure Statement(s) (PTO/SE/US)  
Paper No(s)/Mail Date \_\_\_\_\_  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Status of Claims***

1. This office action is in response to the amendment filed 10/06/2008 in which applicant amends claims 12-14, 22, 25, 27-29, 36 and 39 and cancels claims 2-11 and 40-41. Claims 12-39 are pending.

### ***Claim Rejections - 35 USC § 103***

2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
3. Claims 12, 15-18, 20-21, 24-27, 29-32, 34-35 and 38-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over "How to get the most out of COMPUSERVE, 4<sup>th</sup> edition, 1989" (hereafter Bowen).
4. In regards to claims 12 17-18, Bowen discloses a computer implemented method of creating a user profile for interacting on a computer network, the method comprising enabling a first user to identify profile information with respect to each of one or more items (pgs 94-95, 207-209, and 381: "create and read personal bios"); and enabling the first user to make the profile information accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pg 207-209, making a profile while online for other members to view), wherein the first computer system, the central computer system, and at least one other remote computer system are elements of a computer network used for multi-user communications (CompuServe is an online multi-user environment). Bowen does not explicitly disclose that the interface enables user determination of the skill of a first user for a first identified video

game relative to a second video game or players identifying skill and interest levels in said games. However, as Bowen explains, users may enter any information they wish into their list of interests (pg. 208) and further describes that the system allows for multiplayer games with an active player base that engages in team and competitive play (pg 377-390). Given such a system, it would have been obvious to one of ordinary skill in the art at the time that the user could have included games as an interest and in order to facilitate team creation and competitive play, provided an indication of player skill in the said games so that other users may find players of the skill level desired to play against.

5. In regards to claims 15 and 24-25, Bowen discloses the method of claim 12, but lacks wherein the profile information is automatically rendered upon the first user inviting a second user to play a game. However, Bowen discloses the ability of a user to look up other user's profiles (pg 208, search by) and it would have been obvious to automate the manual task of searching to allow a user to view profile information of a selected user directly thus saving time while matchmaking.

6. In regards to claim 16, Bowen discloses the method of claim 12, but lacks wherein the profile information is automatically displayed upon the second user taking an action demonstrating an interest in the first user. However, Bowen discloses the ability of a user to look up other user's profiles (pg 208, search by) and it would have been obvious to automate the manual task of searching to allow a user to view profile information of a selected user directly thus saving time.

7. In regards to claim 20, Bowen discloses the method of claim 12 further comprising enabling the first user to identify personal characteristics; enabling the first user to save the personal characteristics; and enabling the first user to make the personal characteristics accessible to a first remote computer system, a central computer system, and at least one other remote computer system (pgs 94-95, 207-209, and 381: "create and read personal bios").
8. In regards to claim 21, Bowen discloses a user identifying personal characteristics including interests such as gardening (pg 208) which examiner contends is also a hobby.
9. In regards to claim 26, Bowen discloses that players may engage in chess (pg 373), but does not explicitly disclose checkers. However, as checkers is a common game played since at least 1900, it would have been obvious that players may have listed checkers as an interest and provided their skill at said game in their player profiles.
10. In regards to claims 27, 29-32, 34-35 and 38-39, Bowen discloses the system of claims 12, 15-18, 20-21 and 24-26 above where a user makes profile information available to others. Claims 27, 29-32, 34-35 and 38-39 are directed to a first user accessing the information of second user. As Bowen teaches the system of claim 12 above including a multi-user online environment where users may search each other's profiles (pg 208 search by), it also teaches a first user accessing another user's profile.

11. Claims 13-14, 22-23, 28 and 36-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Brittin; Ruth, The Effect of Categorization on Preferences for Popular Music Styles.
12. In regards to claims 13-14 and 28, Bowen discloses the system set forth above where it would be inherent that the player profile would allow a user to determine the relative skill of a player in various games by looking at the listing of games and the associated player skill levels, but does not explicitly disclose using a normalized scale for users to indicate their level of skill.
13. In related prior art, Brittin discloses a survey presented to participants to determine their interest level in various musical genres (pg. 72, Conventional Preference Ratings) using a Likert scale. A Likert scale being well known as a method for rating preference or agreement, one skilled in the art would recognize the advantages of allowing users to use a normalized Likert scale to rate their ability in a game in order to provide a common measure so that players may find players of the skill level they desire to play against.
14. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin to have allowed users to use a Likert normalized scale to identify their skill in a game in the profile of the player so that other players may readily determine the skill level and find teammates or competitors of the skill level they desire.

15. In regards to claims 22-23 and 36-37, Bowen discloses the system set forth above, but does not explicitly disclose that the skill level is chosen from gradations of skill including little, intermediate or great skill.

16. In related prior art, Brittin discloses a survey presented to participants to determine their interest level in various musical genres (pg. 72, Conventional Preference Ratings) using a Likert scale. A Likert scale being well known as a method for rating preference or agreement, one skilled in the art would recognize the advantages of allowing users to use a normalized Likert scale to rate their ability in a game in order to provide a common measure so that players may find players of the skill level they desire to play against.

17. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Brittin to have allowed users to use a Likert normalized scale to identify their skill in a game in the profile of the player so that other players may readily determine the skill level and find teammates or competitors of the skill level they desire. The combination made does not explicitly disclose that the gradations of skill include relatively little, relatively intermediate, and relatively great skill. However, the metric used to provide skill level information to potential teammates or competitors would have been a matter of obvious choice as the user would have reasonably expected a scale of 1-5 or little-great to provide a scale indicating the level of skill, differing only in the terms used to define the skill levels. Accordingly, the limitation fails to distinguish over the prior art.

18. Claims 19 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bowen in view of Stults; Robert A. et al. (US 4987492).

19. In regards to claim 19, Bowen discloses the method of claim 12 above and further discloses that it is desirable for users to be able to see images of other users (pg 410), but lacks comprising: enabling the first user to select a visage; enabling the first user to save the visage; and enabling the first user to make the visage accessible to a first remote computer system, a central computer system, and at least one other remote computer system.

20. In related prior art, Stults discloses a technique by which a user is able to control an audio/video communication system in a computer network system where visages are used to represent users of a particular computer (6:63-66) and further states any other visual cues could be used, including an image of a face, a name, a character, a number and the like (6:66-7:2). One skilled in the art would recognize the advantages of being able to identify a user visually to provide easily recognizable indicators of users and allow users to see each other over a network.

21. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Stults in order to include a visage of users to facilitate identification and improve the user's experience while using the networked communication system.

22. In regards to claim 33, Bowen discloses the method of claim 27 above and further discloses that it is desirable for users to be able to see images of other users (pg 410), but lacks comprising enabling the first user to access a visage of the second user.



23. In related prior art, Stults discloses a technique by which a user is able to control an audio/video communication system in a computer network system where visages are used to represent users of a particular computer (6:63-66) and further states any other visual cues could be used, including an image of a face, a name, a character, a number and the like (6:66-7:2). One skilled in the art would recognize the advantages of being able to identify a user visually to provide easily recognizable indicators of users and allow users to see each other over a network.

24. Therefore it would have been obvious to one skilled in the art at the time of the invention to have modified Bowen in view of Stults in order to include a visage of users to facilitate identification and improve the user's experience while using the networked communication system.

### ***Response to Arguments***

25. Applicant's arguments with respect to claims 12-39 have been considered but are moot in view of the new ground(s) of rejection.

26. In regards to applicant's statements concerning the information disclosure filed May 5, 2008, examiner does not have access to the files that have been crossed through. Said files are not in the previous application files. Examiner has requested that applicant provide any such copies that may be available for consideration. Examiner is also requesting said documents from other sources. Until such time as the references are provided, whether by the examiner or by the applicant, examiner is unable to consider said references.

**Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID W. DUFFY whose telephone number is (571)272-1574. The examiner can normally be reached on M-F 0830-1700.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Vo can be reached on (571) 272-4690. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/D. W. D./  
Examiner, Art Unit 3714

/Corbett Coburn/  
Primary Examiner  
AU 3714